

Application Number: 10/534,352  
Office Action Dated: April 3, 2006  
Response Dated: September 4, 2007

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#### REMARKS

##### Request for Reconsideration

In response to the Office communication dated August 15, 2007 the Applicant respectfully requests that the Examiner reconsider the Final Rejection of the instant application. The Examiner alleges that the amended language regarding the exposed remote edge in independent claims 21 and 27 as well as the inclusion of a plurality of light emitting members in the new independent claim, claim 33, constitutes new issues that will require further reconsideration.

The Applicant submits that the amended language regarding the exposed remote edge in claims 21 and 27 does not constitute a new issue that requires further reconsideration. The amendments made to claims 21 and 27 in the response filed on August 3, 2007 are formal amendments which do not introduce new subject matter into the claims.

Claim 21 as filed on February 15, 2007 recites a light emitting member in which a second section thereof has a cross-section generally in the form of an illuminating indicium, and light is emitted from an exposed remote edge of the second section. Accordingly it is clear from the language of claim 21, as filed on February 15, 2007, that the exposed remote edge in claim 21 has a cross-section generally in the form of an illuminating indicium. This structure is necessary to form the illuminated indicium. The Applicant merely amended claim 21 on August 3, 2007 in the interest of expediting the examination and allowance of the instant application.

Claim 27 as filed on February 15, 2007 recites a device for creating an illuminated indicia wherein light is emitted from the light emitting member at an exposed remote edge. Accordingly it is clear from the language of claim 27, as filed on February 15, 2007, that the exposed remote edge in claim 27 has a cross-section generally in the form of the indicia. This structure is necessary to form the

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illuminated indicia. The Applicant merely amended claim 21 on August 3, 2007 in the interest of expediting the examination and allowance of the instant application.

The Applicant further submits that inclusion of a plurality of light emitting members in new claim 33 does not constitute a new issue which requires further reconsideration. However, in the interest of expediting the examination and allowance of the instant application the Applicant has cancelled claims 33 and 24 without prejudice.

#### Discussion Regarding Patentability

The Examiner alleges that claims 20-23 and 25-29 are anticipated by United States Patent Number 4,791,745 to Pohn under 35 U.S.C. 102(b). The Examiner further alleges that claims 19 and 24 are obvious in view of Pohn 35 U.S.C. 102(a).

In response, the Applicant hereby requests reconsideration and hereby submits that amended claims 21 and 27 and claims 20, 22, 23 and 25-29 are not anticipated by Pohn. The Applicant further submits that claims 19 and 24 are not obvious in view of Pohn.

The Applicant submits that rejections of anticipation and obviousness cannot be based on a reference that does not disclose a structural feature set out in the claims. Claims 21 and 27 recite a light emitting member with a remote edge having a cross-section generally in the form an indicium and substantially all of said light being emitted from said remote edge. Pohn does not disclose a remote edge in the form of an indicium. Furthermore, Pohn directs away from light being emitted from a remote edge. Pohn promotes the idea that the remote edges of the light emitting member be sealed. Please see column 4, lines 34 to 38, of Pohn in this regard.

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The light emitting member as claimed by the Applicant has the following structural difference as compared to the light emitting member disclosed by Pohn:

1. The light emitting member, as claimed in claims 21 and 27, has a remote edge which has a cross section in the form of an indicium. The light emitting member disclosed by Pohn does not have a remote edge which has a cross section in the form of an indicium;
2. The light emitting member, as claimed in claims 21 and 27, has a remote edge which emits light. The light emitting member disclosed by Pohn is not directed to a remote edge which emits light; and
3. The light emitting member, as claimed in claims 28 and 30, has a remote edge with a thickness less than the length or width of the first section.

It would not be obvious to one skilled in the art to modify the light emitting member disclosed Pohn to include the above mentioned features because any such modification would render the light display system disclosed by Pohn inoperable. This is discussed in greater detail below.

The light emitting member as claimed by the Applicant offers the following functional advantages over the light emitting member disclosed by Pohn:

1. The claimed light emitting member may be used with any full spectrum light source;
2. The claimed light emitting member may be used to produce illuminated signs in three dimensions; and

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3. The claimed light emitting member may be used to produce illuminated signs which are inexpensive to both produce and maintain.

These advantages are discussed in greater detail below.

The Applicant's invention relates to light emitting member for creating an illuminating indicium in which a remote edge for emitting light has a cross-section in the form of the illuminating indicium.

In use, the first section of the light emitting member is disposed within a light chamber so that internally reflective surfaces of the light chamber extend about the first section. The second section of the light emitting member extends outwardly from the light chamber. The first section of the light emitting member receives light from a light source and transmits said light to the remote edge of the second section of the light emitting member where it is emitted to form the illuminated indicium.

As an example of the Applicant's invention, and with reference to Figures 2 and 3 of the instant application, a first section (16) of the light emitting member (4) receives light from a light source (3) and transmits said light to a remote edge (18) of a second section (17) of the light emitting member (4). Light is then emitted from the remote edge (18). This causes the light emitting member as whole to produce an illuminated indicium which appears to be floating and has a halo. The color and intensity of the illuminating indicium and its corresponding halo are dependent on the colors and relative sizes of the first and second sections of the light emitting member. Furthermore, the light emitting member of the present invention can produce the illuminating indicia under variety of lighting condition including indoor and outdoor lighting conditions. In this regard, the Examiner's attention is respectively directed to paragraphs [0050] to [0062] of the instant application as published.

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The light emitting member of the present invention allows for the creation of a distinctive and aesthetically pleasing illumination effect in which the indicium appears in three dimensions. This illumination effect is as a direct result of the following physical and structural properties of the light emitting member 1) the remote edge of the second section having cross-section in the form of the desired indicium; 2) the remote edge of the second section emitting light; and 3) the remote edge having a thickness less than the length or width of the first section. The light emitting member may be inexpensively produced by extrusion and cutting methods. Accordingly, the light emitting member of the present invention can be used to produce inexpensive illuminated signs which function in a variety of lighting conditions having a full spectrum light source.

In contrast, Pohn is directed to a modular black light display system in which a single light box is associated with multiple acrylic display sheets. The acrylic sheets are designed to snap into and out of the light box so that one acrylic sheet may be easily and quickly substituted for another. Each display sheet has a unique message formed thereon by fluorescent paint on a lateral surface thereof. In use, a selected display sheet is edge lit by a black light source disposed in the light box. This causes the message to light up with an appearance somewhat similar to the appearance of a neon sign. Please see column 1, lines 32 to 43, of Pohn in this regard.

More specifically, Pohn discloses a light emitting member (24) in the form of an acrylic sheet with an indicium, or indicia (27), formed on a *lateral surface* (italics added for emphasis) thereof. In the embodiment shown in Figure 1 the indicium (27) is formed by fluorescent paint, ink or the like on a lateral surface of the light emitting member. Please see column 2, lines 61 to 62, of Pohn in this regard. In the embodiment shown in Figure 7 the indicium is the lateral outline of the acrylic sheet (24a). Please see column 3, lines 1 to 7, of Pohn in this regard. Pohn is not directed to a light emitting member with a remote edge having a cross-section in the form of an indicium. Furthermore, a person skilled in the art would not be motivated to provide the light emitting member of Pohn with a remote edge having a cross-section in the form of an indicium. The object of Pohn's invention is to

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provide a modular light display system in which multiple light emitting members, each displaying a different message for different occasions, may be used with a single light box. If the various light emitting members were provided with edges having cross-sections in the form of different indicium, said various light emitting members could not be used with the same light box. It is therefore an essential feature of Pohn's invention that the light emitting members have edges with uniform cross-sections and that the indicium is displayed on a lateral side of the light emitting members.

Even if the light emitting member of Pohn were modified to comprise a remote edge having a cross-section in the form of an indicium it would not function in a similar manner to the Applicant's light emitting member. Light would not be able to travel in a straight line from the linear light absorbing edge of Pohn, which is an essential feature of Pohn's invention, to the remote edge in the form of indicium. In order to function properly the claimed light emitting member requires that light travel in a straight line. Please see paragraph [0034] of the instant application as published.

Furthermore, the light emitting member of Pohn is used in "edge-lighting" where the light forms an integral part of the light emitting member itself. The term "edge-lighting" is something of a misnomer, as it refers to light being received through an edge, rather than emitting from an edge. In "edge-lighting", except where light is introduced into the light emitting member, the edges should be *sealed* (italics added for emphasis) with light reflecting material to prevent leakage. Please see column 4, lines 34 to 37, of Pohn in this regard, and the independent claims of Pohn, namely, claim 1, lines 54-56 and claim 7, line 6. Accordingly, Pohn is directed away from having a remote edge which emits light as claimed in the present invention. The light emitting member of Pohn also requires a black light source. Please see column 1, lines 60 to 68, of Pohn in this regard. In contrast, the Applicant's light emitting member is operable in any full spectrum light source. Please see paragraph [0033] of the instant application as published.

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Finally, as noted by the Examiner, Pohn does not disclose a light emitting member having sections that vary in color. The Applicant's light emitting member may have a first section having a first color and second section of having a second color. The first section receives light which is then transmitted to, and emitting from, a remote edge of the second section. This is not a design choice as alleged by the examiner but a physical property of the light emitting member which produces the distinctive illumination effect that allows the light emitting member to be used in three dimensional illuminated signs. Please see paragraphs [0050] to [0062] of the instant application as published.

The Applicant submits that it would not have been within the general skill of a person skilled in the art to provide the light emitting member disclosed by Pohn with a first color at a light receiving section and a second color at a light emitting section. The light emitting member disclosed by Pohn is used in "edge-lighting" where light enters at one edge of the light emitting member and, according to Pohn, the light becomes an integral part of the light emitting member itself. Please see column 4, lines 34 to 37, of Pohn in this regard, and the independent claims of Pohn, namely, claim 1, lines 54-56 and claim 7, line 6. Accordingly, the color of the first, light receiving, section of the light emitting member of Pohn does not affect aesthetic or design characteristics. It is therefore submitted that there would be no motivation, as a design choice or otherwise, for a person skilled in the art to provide the light receiving section of the light emitting member of Pohn with a different color. Providing specific sections of the light emitting member with different colors to create the illumination effect of the present invention requires more than a small scintilla of invention on the part of the ordinary person skilled in the art.

The Applicant's light emitting member offers an advantage over the prior art because it allows for the inexpensive production and maintenance of three dimensional illuminated signs. This makes the signs more visible by producing a unique floating effect. Furthermore, according to the Applicant's invention each indicium of the sign is an individual light emitting member. Each light emitting member can be inexpensively produced and individually replaced should it become damaged. This

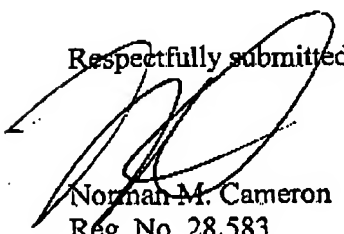
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reduces the cost of producing and maintaining the sign. In contrast, the light emitting member disclosed by Pohn comprises the entire sign. Therefore any damage to an individually indicium or the light emitting member itself will require the replacement of the entire sign. Since, in "edge-lighting" a vast majority of the light emitting member is exposed to sunlight such damage is a common occurrence. When using the Applicant's light emitting member a vast majority of the light emitting member is disposed within the light chamber thereby reducing damage to the light emitting member by sunlight.

Lastly, nowhere in Pohn is there a suggestion or teaching of having an exposed remote edge in the form of a letter or number, as claimed in claims 26, 31 and 32 of the instant application.

In view of the above-mentioned amendments and arguments it is submitted that none of the Applicant's claims are anticipated or rendered obvious by Pohn. The Applicant therefore respectfully submits that this application is in order for allowance and requests such.

Respectfully submitted,



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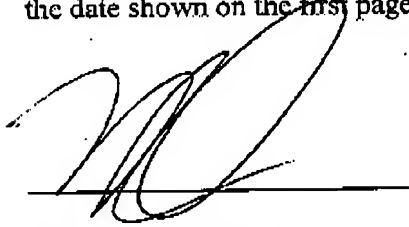
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